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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Michele Cruz,

Plaintiff,

v.

United States of America;  
DOES I-X; and  
ROE Corporations I-XX, inclusive,  
Defendants.

Case No. 2:20-cv-00237-JAD-EJY

**Order Substituting United States in place  
of John Kirk as FTCA Defendant**

ECF No. 8

The Court, having been apprised that Nicholas A. Trutanich, the United States Attorney for the District of Nevada, an authorized representative of the Attorney General of the United States of America, has certified that defendant John Kirk (“Kirk”) was acting within the course and scope of his federal employment or office at the time of the incident that gives rise to Plaintiff’s Amended Complaint, and having been apprised of the substitution of the United States of America in place of Kirk pursuant to 28 U.S.C. § 2679(d)(1),

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Kirk is dismissed from this action on the grounds that the exclusive remedy for such tort claims is an action against the United States of America, and the United States of America has been substituted for Kirk as defendant in this case, pursuant to 28 U.S.C. §§ 2679(b)(1), (d)(1).

1           **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the caption of this  
2 action is and shall hereafter be modified as shown above to reflect the substitution of the United  
3 States of America in place of Kirk.

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6 **UNITED STATES DISTRICT JUDGE**

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8 **DATED:** 4-5-2021  
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